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# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

October 7, 2005

I. Lewis Libby Jr.  
Chief of Staff to the Vice President  
276 Dwight D. Eisenhower Executive Office Building  
17th Street and Pennsylvania Avenue, NW  
Washington DC 20501

Dear Mr. Libby:

Pursuant to its authority under Rule XXV(k)(1) of the Standing Rules of the Senate, Section 101 of S. Res 445 (108th Congress), and Section 11(e) of S. Res 50 (109th Congress), the Committee on Homeland Security and Governmental Affairs has initiated an investigation into the Nation's preparedness for and response to Hurricane Katrina. To aid this investigation, we have requested certain information and documents from the Executive Office of the President. We ask that you provide responsive information to the same requests (in accordance with the attached definitions and instructions), to the extent that the Office of the Vice President has such information or documents.

- (1) Please identify each component of the Office of the Vice President (OVP)<sup>1</sup> that has any role or responsibility with respect to monitoring, preparing for or responding to a domestic emergency or natural disaster. For each such component, please describe the nature of the component's role and responsibility. Please also identify all individuals within the OVP with significant responsibility for monitoring, preparing for or responding to a domestic emergency or natural disaster. Please state the responsibilities of each individual so identified.

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<sup>1</sup> Please interpret "Office of the Vice President" or "personnel" within the OVP to mean the Office of the Vice President and all of its units and all of their officials, employees, detailees, contractors, agents and representatives, including the Vice President of the United States and his Office. Please interpret the "Executive Office of the President" or "personnel" within the EOP to mean the Executive Office of the President and all of its units and all of their officials, employees, detailees, contractors, agents and representatives, including the President and Vice President of the United States and their Offices. In addition, when the term "identify" is used with respect to a person, please provide the person's name, title and employer. If the person works for a federal agency, the OVP or the EOP, please include the specific division or component of that agency for which the person works. Please also interpret "discussions" or "conversations" to include deliberations by any means, whether in person, via telephone or videophone, e-mail or through any other means of communication.

- (2) Identify all statutes, regulations, executive orders, presidential directives or other sources of authority that authorize or relate to any role or responsibility of the OVP, or any component thereof, with respect to monitoring, preparing for or responding to a domestic emergency or natural disaster, and identify the component(s) and individual(s) responsible for carrying out each such role or responsibility. To the extent that the authorities identified in response to this question are not publicly available, please provide copies of them.
- (3) Provide an organizational chart of the OVP components identified in response to item (1). Identify the occupants of all key positions between August 23 and September 6, 2005.
- (4) Describe how the OVP is kept apprised of impending storms and hurricanes that pose a threat to the United States. Please include in your response:
  - a. The identity of the component of the OVP, if any, that is responsible for monitoring the status of hurricane warnings and other similar threats, including the identity of key personnel within that component;
  - b. If the OVP relies on an entity or agency outside the OVP to perform that function, the identity of that entity or agency (including the identity of key personnel within that entity or agency) as well as the component of the OVP that is responsible for receiving such warnings (including the identity of key personnel within that component);
  - c. How that information is distributed within the OVP, including to whom it is distributed and by whom it is distributed; and
  - d. How the Vice President is informed of such information.

Provide all documents referring or relating to the information described in response to this item and all documents referring or relating to protocols or procedures for monitoring or communicating information regarding impending storms or hurricanes.

- (5) Describe the extent to which the OVP followed the protocol or practice described in response to the previous item with respect to Hurricane Katrina. Please include in your response:

- a. Whether and when the components identified in response to items (4)(a) and (b) kept the OVP informed of Hurricane Katrina's path and the specific personnel involved;
- b. Whether the OVP received any other briefings regarding Hurricane Katrina's path or expected severity, when any such briefings occurred, who gave them, who received them and when they occurred;
- c. A chronology of the warnings and information received by the OVP;
- d. The specificity of the information provided, including whether it referred to the intensity of the storm and its expected damage to the United States;
- e. How the information flowed through the OVP, including the identity of those who received the information and the dates they received it;
- f. What the OVP did in response to any such information; and
- g. Whether the OVP discussed or shared the information with other federal agencies, with the EOP, or with State or local officials and, if so, with whom the information was discussed or shared and when.

Provide all documents referring or relating to the information provided in response to this item.

- (6) Detail how and when the OVP in general and the Vice President in particular were first informed of the following events. Please be specific as to dates, times and the identity of personnel involved.
  - a. that there would be requests for the President to issue emergency declarations under the Stafford Act for Louisiana, Mississippi and Alabama with respect to Katrina;
  - b. that there would be a request for the President to issue major disaster declarations under the Stafford Act for Louisiana, Mississippi and Alabama with respect to Katrina;
  - c. that Katrina was an Incident of National Significance;

- d. that the National Response Plan was being activated;
- e. That any annex or supplement to the National Response Plan was being activated.

Provide all documents referring or relating to the information provided in response to this item.

- (7) Identify the person(s), if any, in the OVP in charge of the OVP's activities with respect to preparation for and response to Hurricane Katrina between August 23, 2005 and September 6, 2005. State when such person(s) was appointed or designated and describe the scope of the responsibilities of such person(s).
- (8) Identify the person(s), if any, appointed or designated by the OVP to coordinate, monitor or direct the federal preparation and response to Hurricane Katrina. State when the person(s) was appointed or designated and describe the scope of the responsibilities of the person(s).
- (9) Identify each person, if any, within the OVP who was involved in responding to each of the following requests and describe his or her role in responding to the request. Please be specific as to dates, times and the identity of personnel involved:
  - a. Louisiana's request for an emergency declaration under the Stafford Act;
  - b. Mississippi's request for an emergency declaration under the Stafford Act;
  - c. Alabama's request for an emergency declaration under the Stafford Act;
  - d. Louisiana's request for a major disaster declaration under the Stafford Act;
  - e. Mississippi's request for a major disaster declaration under the Stafford Act; and
  - f. Alabama's request for a major disaster declaration under the Stafford Act.

Provide all documents referring or relating to the information provided in response to this item.

- (10) Did the OVP play any role in the decision to declare Katrina an Incident of National Significance? If so, please describe that role, including the specific time and date of any activities, and identify key personnel involved. Please provide all documents referring or relating to considerations of and the decision to declare Katrina an Incident of National Significance.
- (11) Did the OVP play any role in advising any other federal officials on whether Katrina should be declared an Incident of National Significance? If so, please describe that role, including the time and date of any activities, and identify key personnel involved. To the extent not provided in response to the previous item, provide all documents referring or relating to considerations of or the decision to declare Katrina an Incident of National Significance.
- (12) Did the OVP play any role in the decision to activate the National Response Plan? If so, please describe that role, including the time and date of any activities, and identify key personnel involved. Please provide all documents referring or relating to considerations of or the decision to activate the National Response Plan.
- (13) Were any of the individuals identified in response to question (1)<sup>2</sup> aware prior to August 29, 2005 that the levees in New Orleans and the New Orleans Metropolitan Area might fail in the event of a significant Hurricane or storm? If not, when did they become so aware? If so, please identify the individuals with such awareness and state to whom within the OVP or EOP that information was communicated and when. Please provide all documents referring or relating to the information provided in response to this item.
- (14) Were any of the individuals identified in response to question (1) aware prior to August 29, 2005 of risks and vulnerabilities posed by severe hurricanes and flooding to the City of New Orleans or the New Orleans Metropolitan Area because significant parts of such areas lay below sea level? If not, when did they become so aware? If so, please identify the individuals with such knowledge, and state to whom within the OVP or EOP that information was communicated and when. Please provide all documents referring or relating to the information provided in response to this item.

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<sup>2</sup> When answering questions referring to "individuals identified in response to question (1)", please answer with respect to the President and the Vice President regardless of whether they were specifically identified in response to question (1).

- (15) Were any of the individuals identified in response to question (1) aware prior to August 29, 2005 of the exercise known as Hurricane Pam, or the Southeast Louisiana Catastrophic Hurricane Planning Project ("Hurricane Pam")? If not, when did they become so aware? If so, please identify the individuals with such knowledge, and state to whom within the OVP or EOP that information was communicated and when. Please state whether the information gleaned from this exercise informed the EOP's budget requests for either FEMA or the Army Corps of Engineers. Please provide all documents referring or relating to Hurricane Pam or the participation therein of Janet Benini or any other EOP or OVP personnel.
- (16) Identify any OVP personnel briefed by Professor Ivor Van Heerden, Director, Louisiana State University Hurricane Center, about risks or vulnerabilities posed by hurricanes and flooding to the City of New Orleans or the New Orleans Metropolitan Area. State when the briefings occurred, describe the content of them and state to whom within the OVP or EOP the information was communicated and when. Please provide all documents referring or relating to the information provided in response to this item.
- (17) Provide a chronology of the information provided to the individuals identified in response to question (1) regarding the status of the levees in New Orleans and the New Orleans Metropolitan Area between August 29 and September 1. Please identify the specific levees to which the information related, the individuals who received the information, the individuals from whom they received it, and the individuals within the OVP or EOP to whom they gave the information. Please be specific as to dates and times and also indicate any actions taken in response to each such piece of information. Please provide all documents referring or relating to the information provided in response to this item.
- (18) Provide a chronology of the information provided to the individuals identified in response to question (1) regarding the gathering of persons at the New Orleans Convention Center in the aftermath of Katrina. Please identify the individuals who received the information, the individuals from whom they received it, and the individuals within the OVP or EOP to whom they gave the information. Please be specific as to dates and times and also indicate any actions taken in response to each such piece of information. Please provide all documents referring or relating to the information provided in response to this item.

- (19) Provide copies of any briefings provided to OVP staff or officials referring or relating to Hurricane Katrina, between August 23, 2005 and September 6, 2005, including but not limited to briefings provided to the Vice President.
- (20) Please describe with specificity each action the OVP took in preparation for Katrina on or before August 29, 2005. Please be specific as to what the OVP did, when it did it, under what specific authority it acted, and the names and titles of key personnel involved.
- (21) Please describe with specificity each action the OVP took in response to Katrina between August 29 and September 6, 2005. Please be specific as to what the OVP did, when it did it, the authority under which it acted and the names and titles of key personnel involved. Please provide all documents referring or relating to the information provided in response to this item.
- (22) On August 31, 2005, the President announced that he had “directed Secretary of Homeland Security Mike Chertoff to chair a Cabinet-level task force to coordinate all our assistance from Washington.” Was the OVP involved in the establishment or activities of this task force? If so, please describe the specific mandate and composition of that task force, when it met, what activities it directed or coordinated, and its relationship to the roles and responsibilities outlined in the National Response Plan. Please be specific as to the identity of personnel involved and the dates of activities described. Please provide all documents referring or relating to the information provided in response to this item.
- (23) Please describe each instance, if any, in which OVP personnel were involved in discussions, conversations or deliberations over whether the OVP, EOP or any other federal agency had the authority to take any action regarding Katrina. Indicate key personnel involved, when the discussions, conversations or deliberations occurred, and how the issue was resolved, including whether the action under consideration was in any way hindered, delayed, limited or not taken because of concern over whether the agency had authority to take the action. Please provide all documents referring or relating to the information provided in response to this item.
- (24) To the extent not already described, please describe any discussions, conversations or deliberations involving OVP personnel regarding the preparation for or response to Hurricane Katrina and the Posse Comitatus Act, the Insurrection Act, the National Emergencies Act, the President’s Commander-in-Chief

Authority or any DOD Directive or Executive Order related to those authorities or to the use of the Armed Forces in a domestic emergency. Please be specific as to the purpose and nature of the discussions, the personnel involved, the time and date of the discussions, and the outcome of the discussions. Please provide all documents referring or relating to the information provided in response to this item.

- (25) Please describe in detail any consideration of which OVP personnel are aware given to issuing an emergency declaration or proclamation pursuant to any authority other than the Stafford Act in preparation for or response to Katrina. Please include whether there were any requests for such declarations, the type of declarations under consideration, the authority under which such declarations would be made, the personnel involved in such consideration, the time and date of such considerations and the outcome of the consideration. Please provide all documents referring or relating to the information provided in response to this item.
- (26) Please describe each instance, if any, in which OVP personnel were involved in discussions, conversations or deliberations over whether any federal action that should have been taken in preparation for or response to Katrina was delayed, limited or hindered, or did not occur because of an action or failure to act of a State or local official. Please include in your answer the key personnel involved in each instance, when the discussions, conversations or deliberations occurred, the nature of the issue and of the concern, how the issue was resolved, a description of the action or actions that were impacted, the specific legal reasons why the State or local official's actions (or lack thereof) limited the federal response, and whether such actions ultimately were taken. Please provide all documents referring or relating to the information provided in response to this item.
- (27) Please describe each instance, if any, in which OVP personnel were involved in discussions, conversations or deliberations over whether any federal action that should have been taken in preparation for or response to Katrina was delayed, limited or hindered, or did not occur because of questions or concerns over reimbursement of costs. Please include in your answer the key personnel involved in each instance, when the discussions, conversations or deliberations occurred, the nature of the questions or concerns, how the issue was resolved, a description of the action or actions that were impacted and whether such actions ultimately



were taken. Please provide all documents referring or relating to the information provided in response to this item.

- (28) To the extent not already discussed in response to a previous item, please describe any discussions, conversations or deliberations involving OVP personnel regarding or relating to:
- a. whether the timing of Louisiana Governor Blanco's declaration of a state of emergency in any way hindered, delayed or limited the federal preparation for or response to Katrina;
  - b. whether any lack of specificity in any particular request from a State or local official hindered, delayed or limited the federal government's ability to respond to Hurricane Katrina; or
  - c. whether the governors of the affected States should have requested the federalization of the National Guard and whether the failure to make such a request in any way limited or delayed the federal response to Katrina.

Please be specific as to the identity of key personnel involved and the time and dates of such discussions, conversations or deliberations. Please also provide all documents referring or relating to the information provided in response to this item.

- (29) Identify any standing or regular conference calls or meetings in which the OVP participated during its preparation for or response to Katrina. Describe the purpose of the call or meeting and when it generally occurred, and identify all regular participants, including the names, titles and employers of each one. Provide copies of any notes, transcripts, videos or other materials referring or relating to any such calls or meetings.
- (30) Did the OVP play any role in discussions regarding the pre-positioning or pre-deployment of any federal assets? If so, please describe with specificity each instance in which the EOP was so involved. Please be specific with respect to the agencies involved, the assets involved, the issues under discussion, the dates the discussions occurred, the personnel and components involved, and the outcome of the discussions, including whether and where the assets were pre-positioned or pre-deployed. Please also provide all documents referring or relating to the information provided in response to this item.

- (31) Identify and describe each communication related to Hurricane Katrina, on or before September 6, between the OVP personnel identified in response to question (1) and officials, employees or representatives of the States of Alabama, Louisiana and Mississippi or any local government thereof. For each communication, please specify:
- a. when it occurred;
  - b. who was involved in it;
  - c. the purpose for the communication;
  - d. whether it involved a request for assistance, and if so, what the request was for;
  - e. the response to the request;
  - f. whether questions regarding reimbursement arose and, if they did, whether reimbursement issues in any way delayed or affected the response;
  - g. the date and time any orders were issued to fulfill the request;
  - h. who was tasked to provide the assistance;
  - i. the key personnel involved in processing and responding to the request;
  - j. if the assistance was not provided or was only partly provided, why that was so; and
  - k. if any assistance was provided, the date and time the requested assistance was actually provided.

Please also provide all documents referring or relating to the information provided in response to this item.

- (32) Identify and describe each communication related to Hurricane Katrina, on or before September 6, between the OVP personnel identified in response to question (1) and other federal agencies related to Hurricane Katrina. For each communication, please identify:
- a. when it occurred;
  - b. who was involved in it;
  - c. the purpose for the communication;
  - d. whether it involved a request for assistance, and if so, what the request was for;
  - e. the response to the request;
  - f. the key personnel involved in processing and responding to the communication;

- g. if the assistance was not provided or was only partly provided, why that was so; and
- h. if any assistance was provided, the date and time the requested assistance was actually provided.

Please also provide all documents referring or relating to the information provided in response to this item.

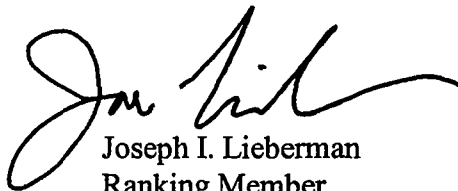
- (33) Please provide all documents regarding or relating to any discussion or consideration concerning the deployment or use of active-duty military personnel in connection with the preparation for or response to Hurricane Katrina.
- (34) To the extent not already provided, please provide copies of all documents provided by the OVP, if any, in response to the September 30, 2005 document request from Congressmen Davis and Melancon.

We request you provide the requested information as it becomes available, but not later than November 3, 2005. We thank you and your staff in advance for your cooperation. If you or your staff have any questions concerning this request, please contact Michael Bopp of the Committee's majority staff at 202-224-4751 or Laurie Rubenstein of the Committee's minority staff at 202-224-2627.

Sincerely,



Susan M. Collins  
Chairman



Joseph I. Lieberman  
Ranking Member